

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

SUITS – A.P.A.T orders dated 09-02-1998 in O.A.No.6238 of 1997 filed by Smt.S.Venkatamma, Part-Time Sweeper, Government Degree College, Bukkapatnam, Ananthapur – Regularization of services as Sweeper in the scale of pay of Rs.1,375-2,375 by releasing all the pay and allowances w.e.f. 25-11-1993 – Orders – Issued.

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HIGHER EDUCATION (CE-I-2) DEPARTMENT

G.O.Ms.No. 156

Dated 09<sup>th</sup> December, 2009

Read the following: -

1. A.P.A.T orders dated 09-02-1998 in O.A.No.6238 of 1997
2. A.P.High Court orders dated 03-02-2003 in W.P.No.28816 of 1998.
3. From the Commissioner of Collegiate Education, A.P., Hyderabad, Letter Rc.No.1968/OP-I-3/98-1, dated 16-08-2004.
4. Government Memo.No.7814/CE-I-2/2009-1, dated 05-08-2009.
5. From the Commissioner of Collegiate Education, A.P., Hyderabad, Letter Rc.No.1968/OP-I-3/97, dated 06-08-2009.

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ORDER: -

The Director of Higher Education, in his Proceedings Rc.No.1673/Stationery Cell-2/1985, dated 12-08-1985, have accorded permission for sanction of four Part-Time Contingent posts to the Government Degree College, Bukkapatnam, Ananthapur. The then Principal of the College had appointed Smt.S.Venaktamma, as Part-Time Sweeper on 22-05-1985 on consolidated salary of Rs.75/- per month and she worked upto June, 1995. The incumbent had filed O.A.No.2400/95 in the Hon'ble A.P.A.T., for not regularizing her services after completion of more than 5 years of services. The O.A.No.2400/1995 was disposed of by the Hon'ble A.P.A.T. in their orders dated 07-06-1995, directing the respondents to regularize her services, taking into consideration of Act 2/94 read with G.O.Ms.No.212, Fin. & Plg. (FW-PC-III) Dept., dated 22-04-1994, if otherwise eligible for such regularization. The then Principal, G.D.C., Bukkapatnam in his proceedings Rc.No.85-A/95, dated 23-06-1995 had regularized the services of Smt.S.Venkatamma, Part-Time Sweeper by appointing her as Sweeper in Government Degree College, .Bukkapatnam, Ananthapur District w.e.f. 25-11-1993 in the time scale of Rs.1375-2375.

2. Government in their D.O.Letter No.29629/HE-2/1997-1, dated 16-09-1997 have issued instructions to the Director of Collegiate Education to cancel the orders issued by the Principal, G.D.C., Bukkapatnam, Ananthapur, in his Proceedings Rc.No.85-A/95, dated 23-06-1995, as the appointment was made by him without consultation from Government which attracts the provisions of Act 2 of 1994 and requested to take action as per section

13(1) of the Act 2 of 1994 against the Principal of the college, who was responsible for making such appointment. Accordingly, the D.H.E., in his Proceedings Rc.No.1968/Estt.2/97, dated 01-10-1997 has cancelled the appointment orders issued by the then Principal of the College.

3. Aggrieved of the above action, Smt.S.Venkatamma, Sweeper, G.D.C., Bukkapatnam, Ananthapur, has filed O.A.No.6238 of 1997 praying to declare the impugned proceedings of the D.C.E., in Rc.No.1968/Estt-2/97, dated 01-10-1997 as arbitrary, illegal, and direct the respondents to continue her and release arrears of salaries from the date of her regularization, in terms of the proceedings dated 07-06-1995 issued by the then Principal of the college. The Hon'ble A.P.A.T., in their orders dated 09-02-1998, directed as follows: -

*“Admittedly the applicant was appointed to a regular vacancy by Respondent No.3 (Principal of the College) by his proceedings dated 23-06-1995. Post of a Sweeper is sanctioned by the Director of Higher Education in his proceedings dated 12-08-1985. The appointing authority for the post of Sweeper in a college is the Principal of the Degree College. The Principal issued the proceedings dated 23-06-1995 regularizing the services of the applicant in terms of G.O.Ms.No.212.*

*Keeping in view the facts and circumstances of the case, we are of the considered view that the impugned order passed by the Respondent No.2 (Director of Higher Education) is without jurisdiction as G.O.Ms.No.212 is an outcome of the Act 2/1994 based on the assurance given by the Government to the Supreme Court. Therefore, the stand taken by the Respondent No.2 in his proceedings dated 01-10-1997 is not sustainable and this order is passed without giving any notice to the applicant. Viewed from any angle, this impugned order deserves to be quashed and accordingly, it is quashed.*

*The tribunal directed the respondents to continue the applicant in the regular post of Sweeper w.e.f. 25-11-1993 and release pay and allowances to her in the scale of pay from which date she is appointed.”*

4. Aggrieved by the orders of A.P.A.T., Government have filed W.P.No.28816 of 1998 against the orders of Hon'ble A.P.A.T orders dated 09-02-1998 in O.A.No.6238/1997. The Hon'ble A.P.High Court in their orders dated 03-02-2003, while dismissing the W.P., have observed that the orders issued in O.A.No.2400/95, directing the respondents therein to regularize the services of Smt.S.Venkatamma, has 'become final' and that they do not find any merit in the W.P. warranting interference with the orders of the Hon'ble A.P.A.T.

5. The Commissioner of Collegiate Education, A.P., Hyderabad, in his letters 3<sup>rd</sup> and 5<sup>th</sup> read above among others, has stated that Smt.S.Venkatamma, is still continuing as Part-Time Sweeper and an amount of Rs.1071-00 + allowances is being paid to her towards wages and requested the Government to issue necessary orders in the matter.

6. Government after careful examination of the entire matter have decided and accordingly permit the Commissioner of Collegiate Education, A.P., Hyderabad, to regularize the services of Smt.S.Venkatamma, Part-Time Sweeper, Government Degree College, Bukkapatnam, Ananthapur, in the post of Sweeper in the scale of pay of Rs.1,375-2,375 by releasing all the pay and allowances w.e.f 25-11-1993, in compliance of the Hon'ble A.P.A.T orders dated 09-02-1998 in O.A.No.6238 of 1997, duly adjusting the amounts already paid to the individual.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SURESH CHANDA,  
PRINCIPAL SECRETARY TO GOVERNMENT (FAC).

To

The Commissioner of Collegiate Education, A.P., Hyderabad.

Copy to: -

The Regional Joint Director of Collegiate Education, Kadapa.

SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER